IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3278 OF 2006

The State of Maharashtra ...Applicant

vs.

Navnath Mahadeo Hake & Ors. ...Respondents

Mr.U.V.Nikam,A.P.P. for Applicant-State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 8,2006.

P.C.:

1. Heard learned A.P.P. in support of the Appeal against acquittal. The acquittal of the Respondents is for offence punishable under sections 323, 324, 504 read with section 34 of the Indian Penal Code. After having heard the learned A.P.P. for State and after perusing the impugned Judgment and Order, I find that no case is made out for grant of leave.

2. It appears from the impugned order that one of the injured person Mangalbai who is stated to be an eye witness has not been examined by the prosecution. The Trial Court found that the P.W.No.2 and P.W.no.7 who are alleged eye witnesses deposed that they rushed to the spot after hearing noise of the accused. However, they have purportedly deposed about the incident. The learned Judge has also noted that there are discrepancies in the evidence of P.W.No.1 and P.W.No.3. The learned Judge has also noted that the defence of the Respondents that there was previous enmity between the family

of the Respondents and the family of the first informant. The learned Judge has relied upon the certified copy of the Judgment in earlier criminal case which was based on the complaint filed by the P.W.No.2 against the Respondents which resulted in acquittal.

3. The view taken by the learned Trial Judge is a possible view of the matter. No case is made out for grant of leave.

Application is rejected.

JUDGE